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10 *Interim Lead Counsel for the*  
11 *Direct Purchaser Plaintiffs*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 IN RE: CRT ANTITRUST LITIGATION

Master File No. CV-07-5944-SC  
MDL No. 1917

16 This Document Relates to:

**CLASS ACTION**

17 ALL DIRECT PURCHASER CLASS  
18 ACTIONS

**DECLARATION OF STEVEN N.  
WILLIAMS IN SUPPORT OF MOTION  
FOR ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS**

1 I, Steven N. Williams, declare and state as follows:

2 1. I am a member of the law firm of Cotchett, Pitre & McCarthy, LLP ("CPM"). I  
3 submit this declaration in support of Direct Purchaser Plaintiffs ("DPP") joint application for an  
4 award of attorney fees in connection with the services rendered in this litigation. I make this  
5 Declaration based on my personal knowledge and if called as a witness, I could and would  
6 competently testify to the matters stated herein. I make this declaration pursuant to 28 U.S.C. §  
7 1746. I make this declaration pursuant to 28 U.S. § 1746.

8 2. My firm has served as counsel to Orion Home Systems, LLC and as counsel for the  
9 class throughout the course of this litigation. The background and experience of CPM and its  
10 attorneys are summarized in the *curriculum vitae* attached hereto as Exhibit 1.

11 3. CPM has prosecuted this litigation solely on a contingent-fee basis, and has been at  
12 risk that it would not receive any compensation for prosecuting claims against the defendants.  
13 While CPM devoted its time and resources to this matter, it has foregone other legal work for  
14 which it would have been compensated.

15 4. During the pendency of the litigation, CPM performed the following work:

16

17 **INVESTIGATIONS AND RESEARCH**

18 From the very beginning of this case CPM was a member of the committee of firms  
19 supporting lead counsel Saveri & Saveri, Inc. CPM participated in the investigation to develop  
20 facts to support the claims against the defendants, to develop the background of the defendant  
21 companies' participation in the conspiracy, and to develop an understanding of the industry's  
22 characteristics in order to best advocate on behalf of the class.

23 CPM assisted with the investigation of the conspiracy and researched facts that were  
24 essential to reaching settlements with the defendants. This included analysis and evaluation of  
25 corporate groupings, relationships between corporate affiliates and subsidiaries, sales channels,  
26 cost data, transactional data, and facts related to market shares and sales data.

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1 CPM also extensively researched the defendant companies' criminal investigations. CPM  
2 participated in proffers at the very beginning of the case with Chunghwa, and then participated in  
3 proffers with Philips after a settlement with Philips was reached.

#### 4 5 **DISCOVERY**

6 CPM was in charge of discovery for Philips, which work ultimately led to the settlement of  
7 claims against Philips. CPM analyzed written discovery responses, reviewed Philips documents,  
8 and participated in extensive meet and confer discussions with Philips.

9 CPM assisted in drafting and negotiating the ESI protocol, deposition protocol, and  
10 discovery protocol entered into in this case.

11 CPM took a lead role in preparing class representatives for their depositions and defending  
12 the depositions. CPM reviewed all of the relevant materials for these class representatives,  
13 including their document productions and prior discovery responses. CPM created all materials  
14 used to prepare the class representatives for depositions, and met with the class representatives to  
15 prepare them for their depositions. CPM also created witness files for the attorneys.

16 CPM prepared for and took the lead in deposing Jim Smith of Philips in Newcastle,  
17 England. CPM coordinated this deposition with the California Attorney General's office, the  
18 Indirect Purchaser Plaintiffs, and the Direct Action Plaintiffs.

#### 19 20 **PLEADINGS AND MOTIONS**

21 CPM actively participated in drafting the Consolidated Amended Class Action Complaint,  
22 and conducting legal research related to claims. CPM also assisted with translating the  
23 Consolidated Amended Class Action Complaint.

24 CPM engaged in substantial law and motion work, including the Opposition to Toshiba's  
25 Motion to Dismiss the Consolidated Amended Class Action Complaint, discovery motions,  
26 oppositions to discovery motions, and preliminary and final approval of settlement motions.

1                                   **COURT APPEARANCES AND PREPARATION**

2           CPM prepared for and attended case management conferences, motion hearings, and  
3 discovery conferences with the Court.

4  
5                                   **CLASS CERTIFICATION**

6           CPM actively participated in the drafting process of the motion for class certification and  
7 legal research pertaining to it. CPM was in charge of coordinating and defending class  
8 representative depositions, including all depositions west of the Mississippi River. CPM defended  
9 class representative depositions in Modesto, Hawaii, Los Angeles and the Bay Area for: 1) Radio  
10 & TV (Bruce Holtan), 2) Royal Data Services (Philip Lau), 3) Hawel A. Hawel, and 4) Studio  
11 Spectrum, Inc. (Kenneth Buckowski).

12  
13                                   **SETTLEMENTS**

14           CPM actively participated in settlement negotiations with many defendants, and  
15 participated in many days of mediations with defendants before the Hon. Vaughn Walker (ret.).

16  
17                                   **CASE MANAGEMENT**

18           CPM assisted lead counsel Saveri & Saveri, Inc. office with multiple tasks including  
19 keeping contact and service lists for the case up to date and monitoring and coordinating  
20 important deadlines.

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22           5.       Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at  
23 historical rates, from May 9, 2008 through July 31, 2014. This period reflects the time spent after  
24 the appointment of Lead Counsel in the litigation. The total number of hours spent by Cotchett,  
25 Pitre & McCarthy, LLP during this period of time was 1,834.30 hours with a corresponding  
26 lodestar of \$840,188.50. This summary was prepared from contemporaneous, daily time records  
27 regularly prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for  
28

1 work assigned by Lead Class Counsel, and was performed by professional staff at my law firm for  
2 the benefit of the Direct Purchaser Plaintiff (“DPP”) Class.

3 6. The hourly rates for the attorneys and professional support staff in my firm  
4 included in Exhibit 2 are the usual and customary hourly rates charged by Cotchett, Pitre &  
5 McCarthy, LLP.

6 7. My firm has expended a total of \$37,699.15 in unreimbursed costs and expenses in  
7 connection with the prosecution of this litigation. These costs and expenses are broken down in  
8 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs  
9 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this  
10 action are reflected on the books and records of my firm. These books and records are prepared  
11 from expense vouchers, check records and other source materials and represent an accurate  
12 recordation of the expenses incurred.

13 8. Cotchett, Pitre & McCarthy, LLP paid a total of \$50,000 in assessments for the  
14 joint prosecution of the litigation against the defendants.

15 9. I have reviewed the time and expenses reported by my firm in this case which are  
16 included in this declaration, and I affirm that they are true and accurate.

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct. Executed on August 26, 2014 at Burlingame, California.

19  
20 /s/ Steven N. Williams  
21 **STEVEN N. WILLIAMS**  
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# **EXHIBIT 1**

# **COTCHETT, PITRE & McCARTHY, LLP**

## **ATTORNEYS AT LAW**

Burlingame | Sacramento | Los Angeles | New York | Washington D.C. |

[WWW.CPMLEGAL.COM](http://WWW.CPMLEGAL.COM)

## **FIRM RESUME – ANTITRUST CASES**

### **WHO WE ARE**

Cotchett, Pitre & McCarthy, LLP based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation and trials. The firm's dedication to prosecuting or defending socially just actions has earned it a national reputation. With offices in Burlingame, Sacramento, Los Angeles, New York and Washington D.C., the core of the firm is its people and their dedication to principles of law, their work ethic and commitment to justice.

Most clients are referred by other lawyers, who know of the firm's abilities and reputation in the legal community. We are trial lawyers dedicated to achieving justice.

## **ANTITRUST CASES**

### ***Auto Parts Antitrust Litigation***

#### **USDC, Eastern District of Michigan**

CPM is co-lead counsel on behalf of consumers against manufacturers of auto parts, including bearings, fuel senders, heater control panels, safety systems, instrument control clusters and wire harnesses, for a world-wide conspiracy to fix prices for those parts for use in cars and trucks.

### ***Freight Forwarders Antitrust Litigation***

#### **USDC, Eastern District of New York**

CPM is Co-Lead Counsel for Direct Purchasers of Freight Forwarding services in the United States and filed a complaint alleging that the major providers of Freight Forwarding conspired to fix the prices of such services in violation of U.S. federal antitrust law (15 U.S.C. § 1). The action has already led to multiple settlements for the benefit of the class.

### ***In re Vehicle Carrier Services Antitrust Litigation***

#### **USDC, District of New Jersey**

CPM is co-lead counsel for End-Payor Plaintiffs against Vehicle Carrier Services companies for a world-wide conspiracy to fix the prices of shipping vehicles.

### ***In re Transpacific Passenger Air Transportation Antitrust Litigation***

#### **USDC, Northern District of California**

CPM is the court-appointed Co-Lead counsel for a proposed class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transpacific routes. Plaintiffs have settled with Japan Airlines for \$10 million.

### ***In re International Air Transportation Surcharge Antitrust Litigation***

#### **USDC, Northern District of California**

CPM served as Co-Lead Counsel for a class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transatlantic routes. Plaintiffs secured settlements on behalf of the class with Defendants Virgin Atlantic Airways, LTD and British Airways Plc worth approximately \$204 million. (Settled, 2009).

### ***Air Cargo Shipping Services Antitrust Litigation***

#### **USDC, Eastern District of New York**

CPM, along with co-counsel, is the court-appointed lead counsel for a proposed class of U.S. indirect purchasers of international air freight services. The case alleges that the providers of international air freight services conspired to fix the prices of such services, including fuel surcharges. The case names almost forty international air freight carriers as defendants. The claims of the United States indirect purchasers is brought under the antitrust laws and consumer protection laws of various U.S. states. The Court granted approval to a settlement with defendants Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines, Ltd. (Settled, 2009).



***Lithium Ion Batteries Antitrust Litigation***

**USDC, Northern District of California**

CPM is co-lead counsel on behalf of consumers of products containing lithium ion batteries, such as laptop computers, cellphones, and tablets. The claims arise from a world-wide conspiracy to fix the prices for lithium ion batteries.

***In re Cathode Ray Tube (CRT) Antitrust Litigation***

**USDC, Northern District of California**

CPM is an Executive Committee Member and represents a class of direct purchaser plaintiffs against manufacturers of cathode ray terminals ("CRT") whose prices were artificially raised, maintained or stabilized at a supra-competitive level by defendants and their co-conspirators. Settlements amounting to \$79.5 million have been reached with four of the defendants.

***In re Optical Disk Drive (ODD) Antitrust Litigation***

**USDC, Northern District of California**

CPM is a member of the executive committee in this multidistrict litigation alleging a conspiracy that manufacturers of optical disk drives ("ODD") fixed prices of ODD's sold directly to plaintiffs in the United States. Plaintiffs have reached a \$26 million settlement with the HLDS defendants.

***In re Static Random Access Memory (SRAM) Antitrust Litigation***

**USDC, Northern District of California**

The Court appointed CPM as sole Lead Counsel for direct purchaser plaintiffs of Static Random Access Memory ("SRAM") chips. CPM successfully secured a \$77 million settlement on behalf of plaintiffs. Important legal rulings were reached on cutting edge issues such as the extent to which the United States antitrust laws apply to foreign conduct, standing of class representatives and the proper showing for class certification. (Settled, 2011).

***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation***

**USDC, Northern District of California**

CPM served as chair of the Discovery Committee in a multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.

***In re Digital Music Antitrust Litigation***

**USDC, Southern District of New York**

CPM was appointed to the Steering Committee in this class action brought on behalf of all persons who paid inflated prices for music sold as digital files.

***Kopies, Inc, et al. v. Eastman Kodak Co.***

**USDC, Northern District of California**

CPM was appointed Co-Lead counsel, and successfully prosecuted an antitrust class action on behalf of copier service firms against parts manufacturer for illegal tying of products and services. CPM successfully reached a \$45 million settlement with Kodak on behalf of plaintiffs.

***Webkinz Litigation, Nuts for Candy v. Ganz Inc., et al.***

**USDC, Northern District of California**

CPM was lead counsel representing a proposed class of persons or entities in the United States who ordered Webkinz from Ganz Inc. on the condition that they also order products from Ganz's "core line" of products. The complaint alleged that Ganz conditioned the purchase of its popular Webkinz plush line toy with a minimum \$1,000 purchase of non-Webkinz "core" line products in violation of federal antitrust laws. On September 17, 2012, Hon. Richard Seeborg of the Northern District of California approved a class action settlement on behalf of a class of small business retailers against Ganz Inc. for alleged antitrust violations where customers were required to purchase unwanted products as a condition to purchasing Ganz's popular Webkinz Toy. (Settled, 2012).

***Municipal Derivative Investment Antitrust Litigation***

**USDC, Southern District of New York**

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts ("GICs") and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM's investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

***E&J Gallo Winery v. EnCana Energy Services, et al.***

**USDC, Eastern District of California**

CPM successfully represented E. & J. Gallo Winery in an antitrust action against natural gas companies for manipulating energy prices, which led to the 2000-2001 California energy crisis, in which energy companies not only gouged the State of California and its residents of billions of dollars but led to rolling blackouts throughout California. E. & J. Gallo Winery is one of the largest natural gas users in the State of California and it suffered millions of dollars in losses. CPM's aggressive prosecution of this case resulted in the case settling on the eve of trial for a substantial sum. CPM's efforts led to the landmark Ninth Circuit opinion on the filed rate doctrine at E. & J. Gallo Winery v. EnCana Corporation, 503 F.3d 1027 (9th Cir. 2007).

***Dry Creek Corporation v. El Paso Corporation***

**San Diego County Superior Court**

CPM filed an antitrust action against El Paso for withholding natural gas from California in order to drive up prices, which was successfully resolved on behalf of the Plaintiff.

***National Gas Anti-Trust Cases I, II, III, & IV***

**San Diego Superior Court**

CPM represented eleven public entities and others for the reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during

the California energy crisis. CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.

***Municipal Bond Insurance Antitrust Litigation***

**San Francisco County Superior Court**

CPM represents Los Angeles and numerous public entities who issued tax-exempt municipal bonds to raise funds to finance public works projects and were compelled to purchase insurance for those bond issuances. When a public entity issues bonds, its credit rating determines the interest it will pay to bond holders. To reduce the interest rate, public entities have had to purchase bond insurance to improve their credit worthiness (despite an historical default rate of less than 0.1 percent). CPM's investigation has uncovered and the complaints allege that the bond insurance companies violated antitrust law and common law by conspiring to maintain a dual credit rating system that discriminates against public entities (versus private corporations), causing public entities to pay unusually high premiums to purchase unnecessary bond insurance, and failure of the bond insurance companies to disclose they made risky investments in the subprime market that has led to the downgrading of the bond insurers' own credit ratings.

***In re Hydrogen Peroxide Antitrust Litigation***

**USDC, Eastern District of Pennsylvania**

CPM filed an antitrust class action for conspiracy to fix prices of hydrogen peroxide manufactured and sold by defendants who were engaged in an alleged price-fixing conspiracy.

***In re Intel Corporation Microprocessor Antitrust Litigation***

**USDC, District Court of Delaware**

CPM represents entities against Intel Corporation for antitrust violations relating to monopolization. CPM has been active in assisting lead counsel with discovery.

***In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation***

***County of San Mateo v. Kimberly-Clark Corp.***

**San Francisco County Superior Court**

CPM filed an antitrust class action on behalf of class of public entity consumers of commercial sanitary paper products against alleged price-fixing conspiracy among producers. (Appointed co-lead counsel for public entity class, 1998).

***Bathroom Fittings Cases***

**USDC, Northern District of California**

CPM was a member of the Executive Committee in an antitrust class action for a conspiracy to fix prices of Bathroom Fitting manufactured by defendants participating in an alleged price-fixing conspiracy.

***Magazine Paper***

**San Francisco County Superior Court**

CPM filed an antitrust class action for price-fixing conspiracy against magazine paper products International Paper Co., MeadWestvaco Corporation, Norse Skog, Stora Enso, Sappi Limited, S.D. Warren Company and others.

***Foundry Resins***

**USDC, Southern District of Ohio**

CPM filed an antitrust class action for conspiracy to fix prices of resins manufactured by Ashland Inc., Ashland Specialty Chemical Company, Borden Chemical Inc., Delta HA, Inc., HA International LLC.

***In re Automotive Refinishing Paint Cases***

**Alameda County Superior Court**

CPM was appointed Co-Liaison Counsel in an antitrust class action for conspiracy to fix the price of auto paint by manufacturers engaged in an alleged price-fixing conspiracy. The class was certified in 2004.

***In re Methionine Antitrust Litigation***

**USDC, Northern District of California**

CPM was appointed Co-Lead Counsel in this antitrust class action against several methionine manufacturers involved in a conspiracy to fix the prices of and allocate the markets for methionine. This case settled for \$107 million.

***In re Citric Acid Antitrust Litigation***

**USDC, Northern District of California**

CPM served as Co-Lead Counsel in an antitrust class action against the five largest sellers of citric acid in the United States, who conspired to raise and fix the price of citric acid at artificially high levels. Co-Lead counsel successfully certified the class in October 1996. Co-Lead Counsel also reached approximately \$86.5 million in combined settlements with defendants Archer Daniels Midland Co., Hoffmann-La Roche Inc., Jungbunzlauer, Inc., Haarmann & Reimer Corp., and Cerestar Bioproducts B.V.

***In re Beer Antitrust Litigation***

**USDC, Northern District of California**

CPM was appointed Co-Lead counsel in an antitrust class action on behalf of specialty beer brewers against Anheuser-Busch, Inc. for attempt to monopolize U.S. beer industry by denying access to distribution channels.

***In re Sodium Gluconate Antitrust Litigation***

**USDC, Northern District of California**

CPM served as Lead Counsel in an antitrust class action against defendants who allegedly price fixed sodium gluconate, and industrial cleaning agent. CPM successfully certified the class, and reached a settlement on behalf class plaintiffs in the amount of \$4,801,600.

***Toyota Motor Sales USA, Inc.***

***Livingston v. Toyota Motor Sales USA, Inc.***

**USDC, Northern District of California**

CPM filed an antitrust class action under Sherman Act by purchasers of Toyota vehicles for secret rebates. (Settled, 1997).

***Hip And Knee Implant Marketing Litigation***

**USDC, Northern District of California**

CPM, with co-counsel, has filed two complaints on behalf of proposed classes of persons who underwent hip or knee implant surgery. The complaints allege that the major manufacturers of hip and knee implants have engaged in a pervasive kickback scheme, using phony consulting agreements with orthopaedic surgeons, to improperly funnel money to doctors and hospitals in return for choosing the manufacturer's device during surgeries. This scheme artificially raised the costs of hip or knee implants paid for by members of the proposed class in violation of state antitrust and consumer protection laws.

## **OUR ATTORNEYS**

### **PARTNERS**

#### **JOSEPH W. COTCHETT**

As stated by the National Law Journal, Joseph W. Cotchett is considered by plaintiffs and defense attorneys alike to be one of the foremost trial lawyers in the country. He has been named one of the 100 most influential lawyers in the nation for the past 15 years.

As reported in the San Francisco / Los Angeles Daily Journal, he is “considered one of the best trial strategists in the state” who built a career out of representing the underdog against powerful interests. He is a fearless litigator and once tried two cases at the same time (one in the morning and one in the afternoon) and won them both in San Diego Superior Court in 1984. His clients range from corporate giants to groups like Consumers Union – but the issue must be correct for Cotchett. In 2003, the San Francisco Chronicle rated him as one of the best in the Bay Area, saying, ***“The Burlingame attorney has had a star career that’s not only talked about in legal circles but has made headlines around the country. Known mostly as a plaintiffs’ lawyer, many of his cases are filed on behalf of fraud victims, and have a widows-and-orphan flavor to them.”*** Cotchett consistently has been named one of the most influential lawyers in California, and has been named by the legal press as one of the top 10 trial attorneys in the state and has been listed in every edition of Best Lawyers in America since its inception.

During his 45-plus year legal career, he has tried more than 100 cases to verdict, and settled hundreds more, winning numerous jury verdicts, ranging from multi-million dollar malicious prosecution jury verdicts to several defense verdicts in complex civil cases. He successfully negotiated a multi-million dollar settlement in a qui tam suit on behalf of the University of California and hundreds of millions of dollars in antitrust, securities and major fraud cases. In the 1980s, Cotchett won mammoth judgments and settlements for investors in white-collar fraud cases, with jury verdicts of more than \$200 million arising out of the collapse of the Technical Equities Corp. in San Jose. He is known nationally as the lead trial lawyer for 23,000 plaintiffs in the Lincoln Savings & Loan Association/American Continental Corp. downfall in 1990 involving Charles Keating and others. He won one of the then largest jury verdicts, \$3.3 billion. He obtained nearly \$300 million in settlements from lawyers, accountants and other professionals caught up in the scandal in a jury trial in Tucson, Arizona.

He has represented both the National Football League and teams since the early 1980s in various legal actions. As counsel for E. & J. Gallo Winery, he won a defense jury verdict in a celebrated trade dress infringement case involving a wine produced by Gallo and the firm regularly represents Gallo in numerous matters.

In recent years, Cotchett has taken on major corporate entities and Wall Street. He and the firm are involved in litigation resulting from nearly every major corporate scandal including Enron, Worldcom, Global Crossing, Homestore.com, Qwest, Montana Power Company, Lehman, Bank of America, Goldman Sachs and numerous others on behalf of private investors and public pensions. The firm has represented the California Public Employees' Retirement System, California State Teachers' Retirement System, and the University of California Board of Regents, along with numerous political subdivisions of the state, such as counties, cities and districts.

In 2000, he served as trial counsel for Consumers Union, successfully defending the watchdog consumer group in a product disparagement and defamation suit. Isuzu Motors of Japan had sued Consumers Union for disparagement to the 1995-96 Trooper, claiming millions in damages. Following an eight-week trial, a jury ruled in favor of Consumers Union. Trial Lawyers for Public Justice honored Cotchett as "Trial Lawyer of the Year Finalist" in 2000 in honor of his "outstanding contribution to the public interest" through his work for Consumers Union. Also in 2000, Consumer Attorneys of California gave Cotchett its "Presidential Award of Merit." In 2004, he was the lead trial counsel for Consumers Union in a product defamation suit. The suit was dismissed in what was considered a major victory for a free press and the First Amendment. Cotchett is involved in extensive pro bono work. In one such case, he brought a lawsuit against the United States Navy on behalf of 8,600 Amerasian children in the Philippines who were left in villages after the closing of the Subic Bay Naval Base. The case ended in a settlement giving direct U.S. aid to the children fathered by U.S. servicemen and a television documentary on the subject. He regularly takes on pro bono causes including environmental and public policy matters and the firm represents and advises several Native American groups.

In 2002, Cotchett successfully represented the Chief Justice of the California Supreme Court and the individual judges and members of the Judicial Council, in litigation brought against them by the New York Stock Exchange and the National Association of Securities Dealers. The two Wall Street forces had filed suit against the Judicial Council challenging the State of California on establishing guidelines for arbitrators who hear complaints from investors in the state.

Cotchett received his B.S. in Engineering from California State Polytechnic University, San Luis Obispo in June 1960, being named an Outstanding Graduate, and his J.D. from Hastings College of Law at the University of California in June 1964. In June 2002, Cotchett received an Honorary Doctor of Laws from Cal Poly and The California State University Board of Trustees. In May 2006, Cotchett received an Honorary Doctor of Letters from Notre Dame de Namur University. In May 2011, Cotchett received an Honorary Doctor of Letters from the University of San Francisco. In each case, he was the graduation speaker honored by the Universities.

Following California Polytech, he served in the U.S. Army Intelligence Corps, followed by years as a Special Forces paratrooper and JAG Corps officer, in the active reserves, and retired in 1991 with the rank of Colonel. He is a member of many veteran and airborne associations having served on active duty 1960-1961. From 2001 to 2005, he served on the board of the Army War College Foundation in Carlisle, Pennsylvania. The Foundation supports the prestigious Army War College at Carlisle Barracks, the graduate school for the senior commanders of all branches of the service, including officers from foreign allies.



He has been an active member of national, state and local bar associations, including the California, New York and District of Columbia bars. He is a Fellow of the prestigious American College of Trial Lawyers and The International Society of Barristers and an Advocate in the American Board of Trial Advocates. He also is a Fellow and former board member of The International Academy of Trial Lawyers. A former Master of the American Inns of Court, he serves on various advisory boards for professional organizations.

He also has served on the Advisory Board of the Witkin Institute, the mission of which is to further B.E. Witkin's commitment to advancing the understanding of California law and improving the administration of justice.

He is the author of numerous articles and a contributing author to numerous magazines. His books include California Products Liability Actions, Matthew Bender; California Courtroom Evidence, LexisNexis; Federal Courtroom Evidence, LexisNexis; Persuasive Opening Statements and Closing Arguments, California Continuing Education of the Bar (1988); The Ethics Gap, Parker & Son Publications (1991); California Courtroom Evidence Foundations, Parker Publications (1993); and numerous law review articles. He is a prolific author of op-ed pieces and articles on public policy, environmental issues and public integrity. In 2002, he co-authored and published the book The Coast Time Forgot, a historic guide to the San Mateo County coast.

Cotchett serves on the Federal Judicial Advisory Committee, that submits and reviews federal judicial nominations in California to President Obama. The committee was authorized by the Obama Administration and California's two Democratic senators, Dianne Feinstein and Barbara Boxer. Cotchett is Chair of the Boxer Committee for the Central District of California (Los Angeles) and advises statewide. Cotchett also serves on a Judicial Advisory Committee to Governor Jerry Brown on state judicial appointments.

Cotchett has lectured at numerous law schools including Harvard Law School, the University of Southern California, Georgetown Law Center, Stanford, Boalt, and his alma mater U.C. Hastings. His subjects include complex cases, evidence, trial practice and professional ethics. He also is a keynote public speaker and lecturer on contemporary subjects of law.

He has been honored by the State Bar of California by serving on the Board of Governors from 1972 to 1975. Cotchett served on the California Judicial Council from 1976 to 1980; the Board of Directors, Hastings College of Law, University of California for twelve years; California Commission on the Future of the Courts; the California Select Committee on Judicial Retirement, the California Blue Ribbon Commission on Children in Foster, the latter three appointed by the Chief Justice of California.

His civic work includes past memberships on the board of directors of the San Mateo County Heart Association; San Mateo Boys & Girls Club (Past President); Peninsula Association of Retarded Children and Adults; Bay Meadows Foundation; Disability Rights Advocates; and numerous Bay Area organizations. He formerly served as a member of the board of Public Citizen in Washington, D.C. and served on the board of Earth Justice.



In 1996, he was awarded the Anti-Defamation League's Distinguished Jurisprudence Award. The award was established to recognize individuals in the legal community who have exhibited humanitarian concerns, and whose everyday actions exemplify the principals on which the Anti-Defamation League was founded.

In 1999, Cotchett was inducted by the State Bar of California to the Litigation Trial Lawyers Hall of Fame. This award is given to professionals who have excelled as trial lawyers and whose careers exemplify the highest values and professional attainment.

In 2000, the University of California Hastings College of Law opened the Cotchett Center for Advocacy recognizing Cotchett as one of its outstanding graduates. Chief Justice Ronald M. George of the California Supreme Court and Associate Justice Anthony Kennedy of the U.S. Supreme Court honored Cotchett as speakers at the Founder's Day dedication of the center. In November of 2006, Notre Dame de Namur University in Belmont, California dedicated the Joseph W. Cotchett Business Lab for students.

In March of 2000, Cotchett was named to the California State Parks Commission by Governor Gray Davis. The commission establishes general policies for the guidance of the Parks Department in the administration, protection and development of the 260 state parks in the system. He served as Chairperson in 2002-2003.

In 2003, Cotchett was honored by Disability Rights Advocates for his nearly 40 years of civil rights work. At a San Francisco dinner in October attended by lawyers, judges and community leaders, this was how Cotchett was described:

*Joe Cotchett has been a champion for justice since his college days. As an engineering student in North Carolina, Joe challenged segregation by drinking from segregated water fountains and riding in the back of buses. Later, as a student at Cal Poly, in 1958 Joe successfully established the first integrated fraternity, which prompted the other fraternities on campus to follow suit. Joe's legal career has involved representing the underdog and doing extensive pro bono work. His civil rights commitment has been leveraged over and over by his financial support of legal fellowships. He has given a 'kick-start' to the public interest careers of the new law graduates at Trial Lawyers for Public Justice, Public Citizen, Southern Poverty Law Center and Disability Rights Advocates. Through these fellowships, Joe has helped to ensure social change through law. Joe guided DRA as a board and litigation committee member from its infancy years into the defender of disability rights it has become today.*

In 2004, continuing a distinguished history of community and civic involvement, Cotchett endowed a \$7 million fund to support science and mathematics teacher education at California State Polytechnic University to serve inner city and rural minority children. To honor Cotchett, the university renamed its landmark Clock Tower building the "Cotchett Education Building." The gift supports science and mathematics teacher education initiatives at Cal Poly through the University Center of Teacher Education and the College of Science and Mathematics.

In 2011, Cotchett was inducted into the prestigious American Trial Lawyer Hall of Fame for his work nationwide in civil rights, and litigation on behalf of the under-privileged in our society. In 2011, he received the Distinguished Service Award from the Judicial Council of California and named the Antitrust Lawyer of the Year by the State Bar. In April of 2011, he was honored by the California League of Conservation Voters with the Environmental Leadership Award and honored by the Consumer Watchdog with the Lifetime Achievement Award.

Cotchett and his family members are active in numerous Bay Area charitable organizations involving animals, children, women and minorities. They established the Cotchett Family Foundation that aids individuals and groups in need of assistance.

**HON. FRANK C. DAMRELL, JR. (RET.)**

Hon. Frank C. Damrell, Jr. (Ret.), a principal at Cotchett, Pitre & McCarthy, was a distinguished Federal Judge of the United States District Court, Eastern District of California.

Prior to Damrell's appointment as a Federal Judge in 1997 by President Clinton, Damrell was a Deputy Attorney General for the State of California and a Deputy District Attorney in Stanislaus County. Damrell started his own law firm in 1968 in Modesto and headed that firm until his appointment to the United States District Court.

During his career as an Attorney, Damrell was a leader of numerous charitable, educational, political, and cultural organizations and activities. He served as President of the Consumers Federation of California, and subsequently, was appointed to the California State Consumer Advisory Council by Governor Ronald Reagan and was appointed Chair of the Advisory Council by Governor Jerry Brown. He served on the Board of Regents for University of Santa Clara, the Board of Visitors for the University of Santa Clara Law School, the Board of Overseers of the McCarthy Center for Public Services, University of San Francisco, and the Board of Trustees, University of California, Merced.

During Damrell's judicial service, he was appointed to numerous national and circuit judicial committees, including the Judicial Branch Committee of the United States Judicial Conference, Chair of the Judicial Branch Subcommittee on Civic Education for the Federal Judiciary, and 9th Circuit Education Committee. In addition, Damrell was a leader of the National Advisory Committee on Judicial Pay.

On December 8th, 2008, Judge Damrell was appointed by Chief Justice of the United States, John Roberts, to serve on the Judicial Panel on Multidistrict Litigation. He served on the panel until his retirement.

Judge Damrell presided over numerous civil and criminal jury and bench trials and has written numerous opinions and orders in the fields of environmental law, civil rights, employment law, anti-trust, copyright and patent law, banking, real estate, and commercial law. In addition, Judge Damrell has had extensive experience in the mediation of complex matters in federal court. As a nationally recognized advocate for civic education, Judge Damrell was selected by the Chief Justice of the California, Tani Cantil-Sakauye, to be a leader of the Federal/State Steering Committee on Civic Education.

He has been an invited guest speaker at national and state conferences of educators, law schools, and bar associations and has been the Commencement Speaker at the University of Santa Clara School of Law and the University of the Pacific McGeorge School of Law.

**STEVEN N. WILLIAMS**

Steven N. Williams joined Cotchett, Pitre & McCarthy in 1997 and became a partner of the firm in 2003. Williams practices exclusively in the fields of litigation, trial, and client counseling. Williams concentrates in the fields of business disputes, constitutional law, environmental, securities, antitrust and consumer law.

**Representative Clients:**

Chief Justice of California Ronald George; California Judicial Council; residents of Avila Beach, California; residents of Santa Maria, California; residents of Burbank, California; California State Teachers' Retirement System; Regents of the University of California; Cambria Community Services District; Consumers Union of United States, Inc.; United Farm Workers; Dolores Huerta; City of Oakland, California; E. & J. Gallo Winery; borrowers from Ameriquest (class action); purchasers of iPods (class action); purchasers of air transportation between UK and US (class action); purchasers of flash memory products (class action); purchasers of SRAM memory products (class action); purchasers of Kodak copier equipment and parts (class action).

**Representative Matters:**

Represents End-Payor Plaintiffs against several auto companies whose auto parts prices were artificially raised, maintained or stabilized at a supra-competitive level by defendants and their co-conspirators. The auto parts included in this action are: Wire Harness Systems, Ball Bearings, Fuel Senders, Heating Control Panels, Instrument Panel Clusters and Occupant Safety Systems.

Represents direct purchasers on behalf of businesses and consumers of freight forwarding and logistic services alleging a world-wide conspiracy to fix prices for the shipment of goods.

Represents direct purchasers in a complaint against several semiconductor companies for allegedly price fixing optical disk drive products.

Represents (as lead counsel) class alleging antitrust violations in the market for worldwide passenger air transportation into and out of seven Asian nations.

Represented (as lead counsel) class alleging antitrust violations in the market for SRAM. This action recovered overcharges to a nationwide class of consumers of SRAM memory chips, which were subject to concerted price-fixing by their manufacturers.

Represented (as lead counsel) class alleging antitrust violations in the market for Flash memory. This action, similar to the SRAM action, sought to recover overcharges to a nationwide class of consumers of flash memory, such as memory sticks and cards routinely used to store and transfer data.

Represented (as lead counsel) class alleging antitrust violations in the market for passenger air transportation between the US and the UK. This action led to a settlement valued at over \$200 million for passengers overcharged by a price-fixing conspiracy involving air travel between the US and London, England.

Represented Chief Justice George, California Judicial Council, and its members in action brought by New York Stock Exchange and NASDAQ challenging California's Ethics Rules for Neutral Arbitrators. The New York Stock Exchange and NASDAQ alleged that California's Ethics Rules for Neutral Arbitrators were preempted by federal law.

Represented California State Teachers' Retirement System in separate actions recovering losses suffered due to securities fraud by AOL/Time Warner and Qwest. In these actions, California's public school teachers recovered over \$150 million in losses to their pension and retirement funds.

Represented City of Oakland, California in defense of anti-predatory lending ordinance challenged by American Financial Services Association on preemption grounds. In this action, lobbyists for the banking industry challenged an ordinance passed by the City of Oakland to regulate certain predatory lending practices that were believed to cause damage to the City of Oakland and its residents. We successfully defended the ordinance at both the trial court level, and in a unanimous decision of the Court of Appeals. Ultimately, in a 4-3 decision (with the majority opinion written by Justice Janice Rogers Brown, the decision of the Court of Appeals was reversed. Chief Justice George wrote a dissent expressing his view that the ordinance was not preempted.

Represented residents of Avila Beach, California in action to redress damage caused by pollution throughout Avila Beach. In this action, Union Oil Company of California had permitted over 400,000 gallons of refined petroleum products beneath the small seaside town of Avila Beach. The action led to the complete remediation and restoration of the town.

Represented Consumers Union of United States, Inc. (publisher of Consumer Reports) in defense of defamation/product disparagement actions brought by Suzuki, Isuzu, and Sharper Image. In each of these actions, the manufacturers sought to silence Consumers Union and inhibit its free speech right to warn consumers of dangerous and ineffective products. In each action, Consumers Union's free speech rights were vindicated. Williams accomplishments in the Suzuki and Isuzu cases resulted in being a Trial Lawyers for Public Justice Trial Lawyer of the Year Finalist in 2000.

Represented residents of Santa Maria, California, whose community was devastated as a result of oilfield pollution left behind by numerous multinational oil companies, including Unocal, Chevron, ConocoPhillips, and Kerr-McGee. These actions have enabled residents to move to new homes, leaving behind their polluted neighborhood.

Represented Cambria Community Services District, the sole water provider for the small coastside town of Cambria, in an action against Chevron to recover damages for harm caused when community water supplies were polluted with MTBE. The recovery permitted Cambria to provide replacement water for the community.

Represented class of mortgage borrowers from Ameriquest challenging Ameriquest's business practices. In this action we were successful in uncovering Ameriquest's mortgage scheme which

was based upon intentionally placing borrowers in mortgages that Ameriquest knew they could not afford. Class wide relief was obtained, including business practice changes.

Williams received his undergraduate degree from New York University and his J.D. from Fordham University School of Law. He is admitted to practice before the State and Federal Courts of California, New York, and New Jersey and the United States Supreme Court. He has written and lectured on various topics including electronic discovery, MTBE litigation, regulatory developments in environmental law, contractual issues in environmental cleanups, and habeas corpus.

Williams was appointed by Consumer Attorneys of California as member of California Discovery Subcommittee for revision of California discovery rules and statutes relating to electronic discovery and electronically stored information, 2007-2008. Williams gives yearly lectures to CAOC on topic of civil discovery in California.

**NANCY L. FINEMAN**

Nancy Leavitt Fineman, a principal at Cotchett, Pitre & McCarthy, LLP, was born in San Francisco and raised in the East Bay.

She joined Cotchett, Pitre & McCarthy, LLP in 1989, after practicing with a San Francisco firm and working as a Research Attorney for the San Mateo County Superior Court. At Cotchett, Pitre & McCarthy, LLP, her practice currently emphasizes complex business litigation, employment litigation, securities cases, antitrust and intellectual property. She is currently a member of the Cotchett, Pitre & McCarthy, LLP team representing victims of the Bernie Madoff Ponzi Scheme. She and partner, Joseph W. Cotchett, were the first lawyers to interview Bernie Madoff in prison. She also currently represents the Liquidating Trustee of Humboldt Creamery in litigation against certain of Humboldt Creamery's officers and its outside accountant for financial fraud, and the People of the State of California against Lead Paint manufacturers for creating a public nuisance. Her cases have also included FINRA arbitrations on behalf of investors, representing the bankruptcy trustee in litigation involving the collapse of the Montana Power Company, and representing CalSTRS and other investors in Homestore.com. She represented public and private entities pursuing litigation against natural gas companies for manipulation of retail natural gas prices in California and individuals who invested in tax strategies now called tax shelters by the IRS. She has successfully challenged certain provisions in arbitration agreements so that the arbitration provisions are more favorable to individuals.

Although most of her cases involve the representation of plaintiffs, she does defense work, having defended Actelion, Ltd., Fisher Investments, Al Davis of the Oakland Raiders, Charles Schwab Co., E. & J. Gallo Winery and others. She also has represented many pro bono clients. She has substantial trial and arbitration experience in the areas of professional negligence, personal injury, employment, business matters and trade dress infringement. She obtained one of the few Plaintiff's verdicts ever received in a PSLRA securities case, and was recognized for her efforts as the "Litigator of the Week" by the Am Law Litigation Daily.

Ms. Fineman also has an active appellate practice. Some of her reported decisions include: *Simpson v. AOL Time Warner Inc.* (9th Cir. 2006) 452 F.3d 1040) vacated by (9th Cir. 2008) 519 F.3d 1041; *Fazio v. City & County of San Francisco* (9th Cir. 1997) 125 F.3d 1328; *Baker v. BDO Siedman, L.L.P.* (N.D. Cal. 2005) 390 F.Supp.2d 919; *County of Santa Clara v. Superior Court* (2010) 50 Cal.4th 35; *Bily v. Arthur Young* (1992) 4 Cal.4th 370; *Cotchett, Pitre & McCarthy v. Universal Paragon Corp.* (2010) 187 Cal.App.4th 1405; *Regents of the Univ. of California v. Superior Court* (2008) 165 Cal.App.4th 672; *Centerpoint Energy Inc. v. Superior Court* (2007) 157 Cal.App.4th 1101; *Aquila Inc. v. Superior Court* (2007) 148 Cal. App. 4th 556; *City of Santa Cruz v. PG&E* (2000) 82 Cal.App.4th 1167; *Holmes v. Lerner* (1999) 74 Cal.App.4th 442; *County of Alameda v. PG&E* (1997) 51 Cal.App.4th 1691; *Balthazar v. Verizon Haw. Inc.* (2005 S. Ct. Hi.) 109 Haw. 69; 123 P.3d 194. She also has been the appellate attorney in many unpublished decisions.

Ms. Fineman has lectured and written extensively. In December 2009, she was interviewed by the National Association of Corporate Directors, Silicon Valley Chapter about preventing financial fraud. From 2001-2009, she was an annual speaker for the CEB Torts Practice: Recent

Developments. She is a regular speaker to lawyers and paralegals on trial preparation and trial. She has addressed the Annual State Bar Convention, the State Bar's Labor and Employment Section, the California Trial Lawyers' Association, the San Mateo County Bar Association, the San Mateo County Women Lawyers, Boalt Hall and other groups.

In 2011, Ms. Fineman was elected to the California State Bar Board of Trustees. She is a member of the California Bar Foundation, the Boalt Hall School of Law Alumni Association and the Multi-Option ADR Project for San Mateo County. She is a past Board Member of the San Mateo County Bar Association, and past President and current board member of the San Mateo County Women Lawyers Section Educational Foundation. She serves as a Judge Pro Tem for San Mateo County Superior Court. She has served as the Chair of the San Mateo County Bar Association Professional Equality Committee, a member of the California State Bar Judicial Nominees Evaluation Commission, the San Mateo Women Lawyers' Board, the Boalt Hall 20th and 25th Year Reunion Committees and other boards and commissions.

She is a member of Consumer Attorneys of America, American Association for Justice, Association of Business Trial Lawyers, California Women Lawyers and other legal organizations.

Ms. Fineman and her husband, Ed, are very active in community affairs. She served as past president Council member of The Christian Action Life Line ("CALL") Primrose Center, a Burlingame food bank and emergency referral facility. She was an Honorary Member of the Contra Costa Civic Theatre's 50 Year Reunion Committee. She also is involved in her children's school through serving in a number of positions.



**NANCI E. NISHIMURA**

Nanci E. Nishimura is a principal at Cotchett, Pitre & McCarthy, LLP where she practices civil litigation focusing on antitrust, business litigation and consumer class actions. Ms. Nishimura received a B.A. in Psychology and M.A. in International Relations from the University of Southern California. Following a career in the United States and Japan as a business development and marketing consultant, she received her J.D. from the Columbus School of Law at the Catholic University in Washington, D.C. She worked at the Overseas Private Investment Corporation, the International Trade Commission and served as a Legislative Analyst to Senator Daniel Inouye.

Ms. Nishimura's experience in civil and criminal appellate litigation includes First and Fourth Amendment and civil rights. She wrote the brief on the merits and appeared before the United States Supreme Court in *Hanlon v. Berger*, 526 U.S. 808 (1999). She co-authored, "An Invasion of Privacy: The Media's Involvement in Law Enforcement Activities," 19 Loy. L.A. Ent. L.J. 313 (1999). Published cases, among others, include *Berger v. CNN Inc.*, 188 F.3d 1155 (9th Cir. 1999); *Ayeni v. Mottola*, 35 F.3d 680 (2d Cir. 1994), cert. denied, 514 US 1062 (1995), aff'g *Ayeni v. CBS Inc.*, 848 F. Supp. 362 (E.D.N.Y. 1994); *Brunette v. Humane Society of Ventura County*, 294 F.3d 1205 (9th Cir. 2002); *Aquila, Inc. v. Superior Court*, 148 Cal. App. 4th 556 (2007); *Regents of University of California v. Superior Court*, 165 Cal. App. 4th 672 (2008).

She was appointed by Governor Jerry Brown to the 11 member Commission on Judicial Performance (2011-2015); formerly served on the State Bar Judicial Nominees Evaluation Commission (JNE) for the 2005-2008 term; on the Board of Governors and first Vice President for the California Women Lawyers (District 3). She is also a member of the San Mateo and Los Angeles County Bar Associations, Consumer Attorneys of California, Association of Trial Lawyers of America, and the American Bar Foundation. She is a frequent lecturer for California Women Lawyers, and past member of the LACBA Litigation Section Trial Practice Inn of Court.

Ms. Nishimura is on the Board of Trustees of the California Science Center Foundation, a joint state-private facility to created to promote science education throughout California, and past president of the Board of Directors of The MUSES of the California Science Center Foundation. She is a frequent speaker to promote science and math education in California. In addition, she is on the Board of Trustees of the Asian Art Museum in San Francisco; the Rotary Club of San Mateo; and the creator of Storytime for Children with Abby Rabbit, an interactive reading and development program for children.

**SENIOR ASSOCIATES**

**ADAM J. ZAPALA**

Adam J. Zapala is a principal at Cotchett, Pitre & McCarthy, LLP, where he focuses on antitrust, false claims act litigation, consumer protection and class actions generally.

Mr. Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law. While at Hastings, Mr. Zapala received awards for best moot court brief, the Pro Bono Publico award, most outstanding student in Group Advocacy and Systemic Reform, and Excellence for the Future Award in Pre-trial Practice.

Previously, Mr. Zapala worked at Davis, Cowell & Bowe, LLP. in San Francisco, where he represented labor unions, Taft-Hartley Pension and Health & Welfare funds, employees and consumers in complex litigation, arbitration and NLRB proceedings. While at DCB, Mr. Zapala served as trial counsel in countless arbitrations on behalf of labor unions and employee benefit funds. He has argued cases before the California First, Third, and Sixth District Court of Appeal.

Mr. Zapala also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. While there, Mr. Zapala developed expertise in Medi-Cal, Medicare and other publicly-financed healthcare systems. While in law school, Mr. Zapala also worked for the public interest law firms of Public Advocates, Inc. and Public Justice, focusing on civil rights class action litigation.

Mr. Zapala also has legislative and policy experience, working on Capitol Hill as a policy aide for Senator Ron Wyden (D-Oregon) in Washington D.C.

Mr. Zapala has deep ties to the Bay Area. He grew up in San Jose, California and attended Bellarmine College Preparatory. While at Stanford University, Mr. Zapala became a four-time Academic All-American, a four-time All-American, and Captain of the Stanford Men's Soccer Team. In 2001, he was drafted in the Major League Soccer ("MLS") Super Draft by the Dallas Burn (now FC Dallas).

**ALEX E. BARNETT**

Alex Barnett is a Principal at Cotchett, Pitre & McCarthy where he specializes in class actions involving: antitrust and securities law violations; consumer fraud; negligent product design and manufacture; wage and overtime disputes; civil rights violations; and violation of environmental laws. He also handles mass tort litigation.

Representative class action cases include: *Turner v. General Electric Company*, No. 2:05-CV-186-FtM-33DNF (M.D. Fla.) (claims by purchasers of allegedly defective General Electric refrigerators); *Staton v. IMI South, LLC*, No. 03-CI-588 (Ky. Cir. Ct.) (claims by purchasers of defective concrete for repair of home foundations and flatwork); *In re Bridgestone/Firestone Inc., ATX, ATX II and Wilderness Tires*, MDL No. 1373 (S.D. Ind.) (claims by purchasers of allegedly defective tires), *Gori v. Merck & Co., Inc.*, No.: 04L1254 (claims by purchasers of Vioxx for refund of purchase price); and *Harman v. Lipari* (claims for medical monitoring for residents of neighborhood bordering a Superfund site in New Jersey). Mr. Barnett also has represented individuals injured by pharmaceutical products such as Redux and Pondimin, Baycol, Serzone, and Vioxx. In addition, Mr. Barnett served as counsel for the cities of Boston, Los Angeles, Philadelphia and San Francisco against the handgun industry and as counsel for the City of Milwaukee in a case against the lead pigment industry.

Mr. Barnett has served as a lecturer on class actions, serving as a Panel speaker at the First Annual National Class Actions Symposium (Osgoode Hall Law School, Toronto, Canada) and the Third Annual Class Actions for Non-Class-Action Lawyers - Growing Your Business by Understanding the Basics and Recognizing Opportunities.

Prior to entering private practice, Mr. Barnett served as the Executive Director of the International Association of Jewish Lawyers and Jurists ("IAJLJ"), American Section, an organization dedicated to promoting human rights and the rule of law.

Before his tenure at the IAJLJ, Mr. Barnett served as the Democratic Party nominee for the New York State Assembly in New York's 17th Assembly District.

**DEMETRIUS X. LAMBRINOS**

Demetrius Lambrinos is a Principal at Cotchett, Pitre & McCarthy. He currently focuses his practice on antitrust cases, qui tam cases and complex commercial litigation.

Mr. Lambrinos received his Bachelor of Art in Philosophy from the University of Redlands Johnston College. He received his J.D. from University of Iowa College of Law.

Mr. Lambrinos is a committed member of the Bay Area's nonprofit community. He currently sits on the board of the Bay Area Urban Debate League ("BAUDL"), a nonprofit that mentors underserved Bay Area high school students in the art of debate. As a board member, he has helped raised over \$240,000 from Bay Area law firms to further this mission. He has also spent many hours mentoring students and has been intimately involved with crafting the organization's strategic vision.

**ASSOCIATES**

**BRYAN M. PAYNE**

Bryan M. Payne is a Principal at Cotchett, Pitre & McCarthy, where he focuses on antitrust, securities, financial fraud and business litigation.

Mr. Payne received his Bachelor of Business Administration and Master in Professional Accounting degrees from the University of Texas at Austin, earning university honors. While earning his graduate degree, Mr. Payne worked at a Big Four accounting firm and provided tutoring to undergraduate business school students. Mr. Payne then received his J.D. from the University of California, Hastings College of the Law, where he graduated cum laude. While at Hastings he was Vice President of the Association of Communications, Sports and Entertainment Law, and received the Witkin Award for Academic Excellence.

Mr. Payne participates in the Volunteer Legal Services Program of the Bar Association of San Francisco, where he provides representation to low-income individuals and families.

**ELIZABETH TRAN**

Elizabeth Tran is a principal at Cotchett, Pitre & McCarthy, LLP. She focuses her practice on antitrust law and complex litigation.

Ms. Tran received her B.A. in Economics and Political Science, with a concentration in Public Policy, from Boston University. At BU, she interned and studied abroad in London and Sydney during her third year.

Ms. Tran received her J.D. from the University of California, Hastings College of the Law. At UC Hastings, she was a super regional semifinalist in the Jessup International Law Moot Court Competition. She also received honorable mentions for both best brief and best oral advocacy in Moot Court. Ms. Tran served as a judicial extern for the Honorable A. James Robertson II in San Francisco Superior Court and as a teaching assistant for both Legal Writing & Research and Moot Court. She studied international business law at Bocconi University in Milan for a semester.

In law school, Ms. Tran mentored underserved high school students on preparing for college. While awaiting bar results, she served as a graduate fellow at Bay Area Legal Aid, where she advocated for the rights of disadvantaged people to health and disability benefits.

Ms. Tran has national and state legislative experience. She interned for U.S. Representative Neil Abercrombie (D-Hawaii; now Governor of Hawaii) in Washington, D.C. and State Representative Scott Nishimoto (D-Hawaii) in Honolulu.

Ms. Tran grew up in Honolulu and graduated from 'Iolani School, but she has been actively laying roots in the Bay Area. She enjoys the food scene in San Francisco, the hiking trails in Marin, and volunteering for the family law section of the Bar Association of San Francisco.

**JOANNA LiCALSI**

Joanna W. LiCalsi is a principal at Cotchett, Pitre & McCarthy, LLP. Her practice focuses on securities and antitrust litigation.

Ms. LiCalsi received her J.D. from the University of San Francisco School of Law. While at USF, she served as a judicial extern to Justice Bernard Fried (Ret.) in the New York State Supreme Court Commercial Division, as well as U.S. District Court Judge Susan Illston of the Northern District of California. Ms. LiCalsi also interned at the Office of the Circuit Executive for the United States Courts for the Ninth Circuit, where she worked in the Legal Affairs Unit. Additionally, she worked in two clinics, providing legal services to clients who could not afford representation in disputes involving intellectual property and securities law.

Prior to law school, Ms. LiCalsi received her B.A. from Sarah Lawrence College in Bronxville, NY, where she concentrated in history and writing. While at SLC, she spent a semester at Reed College in Portland, Oregon studying English Literature, and a summer at UC Berkeley studying law and political science. After she completed her undergraduate education, she spent two years as a Teaching Fellow at the Horace Mann School in New York.

# **EXHIBIT 2**



In re Cathode Ray Tube (CRT) Antitrust Litigation  
COTCHETT, PITRE & McCARTHY, LLP  
Reported Hours and Lodestar  
May 9, 2008 through August 26, 2014

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS			
Joseph W. Cotchett (P)	146.10	\$900	\$131,490.00
Steven W. Williams (P)	416.10	\$700	\$291,270.00
Nancy L. Fineman (P)	5.30	\$700	\$3,710.00
Alexander E. Barnett (A)	41.30	\$415	\$17,139.50
Aron K. Liang (A)	33.90	\$415	\$14,068.50
Aron K. Liang (A)	1.00	\$400	400.00
Niki B. Okcu (A)	20.50	\$415	\$8,507.50
Neil J. Swartzberg (A)	1.40	\$415	\$581.00
Neil J. Swartzberg (A)	30.40	\$400	\$12,160.00
Neil J. Swartzberg (A)	30.40	\$350	\$10,640.00
Adam J. Zapala (A)	39.90	\$415	\$16,558.50
Adam J. Zapala (A)	13.40	\$360	\$4,824.00
Matthew K. Edling (A)	10.60	\$275	\$2,915.00
Gene W. Kim (A)	55.50	\$360	\$19,980.00
Victor S. Elias (A)	5.50	\$360	\$1,980.00
Joanna W. LiCalsi (A)	571.20	\$360	\$205,632.00
NON-ATTORNEYS			
Jaclyn Verducci (PL)	155.30	\$250	\$38,825.00
Jaclyn Verducci (PL)	46.80	\$225	\$10,530.00
Jaclyn Verducci (PL)	3.00	\$150	\$450.00
Patrick Menzel (PL)	127.30	\$250	\$31,825.00
Marisa, Compesi (PL)	6.90	\$225	\$1,552.50
Samantha Kim (PL)	46.00	\$225	\$10,350.00
Kyle Quackenbush (PL)	10.00	\$225	\$2,250.00
Karin Yee-Fajardo (PL)	1.00	\$225	\$225.00
Nicole Goodwin (LC)	14.00	\$150	\$2,100.00
Gabriel Peixoto (LC)	1.50	\$150	\$225.00
<b>TOTAL:</b>			
	1,834.30		\$840,188.50

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(PL) Paralegal  
(LC) Law Clerk

# **EXHIBIT 3**

In re Cathode Ray Tube (CRT) Antitrust Litigation  
COTCHETT, PITRE & McCARTHY, LLP  
Reported Expenses Incurred on Behalf of DPPs

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Fees (filing, etc.)	\$977.37
Experts/Consultants	\$0.00
Federal Express	\$370.88
Transcripts (Hearing, Deposition, etc.)	\$0.00
Computer Research	\$1047.95
Messenger Delivery	\$0.00
Photocopies – In House	\$6,126.30
Photocopies – Outside	\$0.00
Postage	\$10.81
Service of Process	\$0.00
Telephone/Telecopier	\$272.35
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$28,893.49
<b>TOTAL:</b>	\$37,699.15